

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 09/684,383  
Applicant : Gertrud HOETTEN  
Filed : 10 October 2000  
TC/A.U. : 1646  
Examiner : Prema Maria Mertz

Confirmation No. 7142

Docket No. : 2923-120  
Customer No. : 6449

**TERMINAL DISCLAIMER**

Director of the United States Patent  
and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

The owner, BIOPHARM GESELLSCHAFT ZÜR BIOTECHNOLOGISCHEN ENTWICKLUNG VON PHARMAKA MBH, of one hundred percent (100%) interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156, as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,120,760. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-identified patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 of any patent granted on the above-identified patent, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of

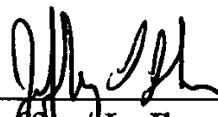
Application Serial No. 09/684,383  
Terminal Disclaimer dated 18 January 2005

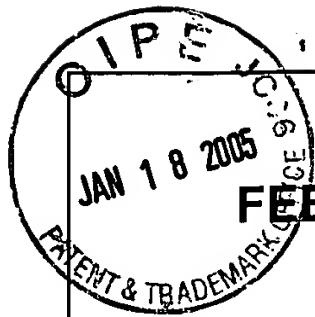
competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record.

The terminal disclaimer fee under 37 CFR 1.20(d) is included.

Respectfully submitted,

By  \_\_\_\_\_  
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# FEE TRANSMITTAL for FY 2005

(Large Entity)

Complete if Known

<input type="checkbox"/> Applicant claims small entity status		Application Number	09/684,383
Total Amount of Payment (\$) <b>1330</b>		Filing Date	10 October 2000
		First Named Inventor	Gertrud HOETTEN
		Examiner Name	Prema Maria Mertz
		Group Art Unit	1646
		Attorney Docket Number	2923-120
		Confirmation Number	7142

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge the fees indicated below or credit overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- ☒ Charge any additional fee required under 37 CFR 1.16 and 1.17 to Deposit Account No. 02-2135.
2. ☒ Payment by check enclosed

## FEE CALCULATION

### 1. FILING, SEARCH AND EXAMINATION FEES

Code	Fee	Fee Description	Fee Paid
1001	300	Utility Filing Fee	[ ]
1111	500	Utility Search Fee	[ ]
1311	200	Utility Examination Fee	[ ]
1002	200	Design Filing Fee	[ ]
1112	100	Design Search Fee	[ ]
1312	130	Design Examination Fee	[ ]
1003	200	Plant Filing Fee	[ ]
1113	300	Plant Search Fee	[ ]
1313	160	Plant Examination Fee	[ ]
1004	300	Reissue Filing Fee	[ ]
1114	500	Reissue Search Filing Fee	[ ]
1314	600	Reissue Examination Fee	[ ]
1005	200	Provisional Filing Fee	[ ]

**SUBTOTAL \$**

### 2. CLAIMS

	Extra Claims	Fee	Fee Paid
Total Claims [20] - 20* = [0] x \$50 = [ ]			
Independent Claims [9] - 3* = [6] x 200 = [1200]			
Multiple Dependent Claims + 360 = [ ]			

\*or number previously paid, if greater

**SUBTOTAL \$1200**

### 3. APPLICATION SIZE FEE

Total Sheets [ ] - 100 = [ ]/50 = [ ]\*\* x \$250 =  
\*\* Number of each additional 50 or fraction thereof

**SUBTOTAL \$**

## FEE CALCULATION (continued)

### 4. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	[ ]
1052	50	Surcharge - late provisional filing fee or cover sheet	[ ]
1053	130	Non-English specification	[ ]
1812	2,520	For filing a request for reexamination	[ ]
1804	920	Requesting publication of SIR prior to Examiner action	[ ]
1805	1,840	Requesting publication of SIR after Examiner action (reduced by basic filing fee paid)	[ ]
1251	120	Extension for reply within first month	[ ]
1252	450	Extension for reply within second month	[ ]
1253	1,020	Extension for reply within third month	[ ]
1254	1,590	Extension for reply within fourth month	[ ]
1255	2,160	Extension for reply within fifth month	[ ]
1401	500	Notice of Appeal	[ ]
1402	500	Filing a brief in support of an appeal	[ ]
1403	1,000	Request for Oral Hearing	[ ]
1451	1,510	Petition to institute a public use proceeding	[ ]
1452	500	Petition to revive -unavoidable	[ ]
1453	1,500	Petition to revive - unintentional	[ ]
1807	50	Processing fee under 37 CFR 1.17(q)	[ ]
1806	180	Submission of Information Disclosure Statement	[ ]
1809	790	Filing a submission after final rejection (37 CFR .129(a))	[ ]
1810	790	For each additional invention to be examined (37 CFR 1.129(b))	[ ]
1801	790	Request for Continued Examination (RCE)	[ ]
1802	900	Request for expedited examination of a design application	[ ]
1504	300	Publication fee for early, voluntary, or normal publication	[ ]
1505	300	Publication fee for republication	[ ]
1455	200	Filing application for patent term adjustment	[ ]
1456	400	Request for reinstatement of term reduced	[ ]
1814	130	Statutory Disclaimer	[130]
Other fee (specify)			[ ]

**SUBTOTAL \$130**

SUBMITTED BY				Complete (if applicable)	
NAME AND REG. NUMBER		Jeffrey L. Ihnen, Reg. No. 28,957			
SIGNATURE		DATE	18 January 2005	DEPOSIT ACCOUNT USER ID 02-2135	XXX